

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1967

IN THE MATTER OF:

Served February 27, 1979

McMICHAEL SCHOOL BUS SERVICE, INC.)
--Extension of Service to the)
Government Printing Office)

Case No. MP-79-6

Highview Bus Service, Inc., holds Certificate of Public Convenience and Necessity No. 42 authorizing the transportation of passengers between four shopping centers in Prince George's County, Md., on the one hand, and, on the other, the Government Printing Office, Washington, D. C. Pursuant to this certificate Highview transported three to four busloads of commuters to and from the GPO each work day for 17 months.

On November 6, 1978, the Commission issued Order No. 1913 granting temporary approval for Courtesy Bus Rental System, Inc., to operate Highview's certificate, finding that failure to grant such approval may result in destruction of or injury to the certificate or substantially interfere with its future usefulness in the performance of adequate and continuous service to the public. Evidence in support of this finding indicated that the ill health of Highview's president and serious financial difficulties were likely to render Highview incapable of conducting the operations authorized by Certificate No. 42. Since that time (our staff has been advised by Highview's counsel) the company has ceased business completely.

On January 25, 1979, the Commission received notice from Transit Casualty Company that Courtesy's motor vehicle liability insurance would be cancelled effective February 27, 1979. On January 26, 1979, the Commission advised Courtesy by certified mail^{1/} that its operating authority would be suspended effective February 28, 1979, unless satisfactory evidence of insurance was filed prior to that date. To date, no evidence of insurance or reply to said letter has been received.

^{1/} The returned receipt shows delivery to Delores Hawkins on January 29, 1979.

Title II, Article XII, Section 9(a) of the Compact provides, as pertinent, that no operating authority issued by the Commission shall remain in force unless the person holding such authority complies with the Commission's reasonable regulations regarding policies of insurance. Commission Regulation No. 62 requires that a carrier maintain in effect at all times an acceptable certificate of insurance. Courtesy has failed to comply with these requirements. Accordingly, we have revoked Courtesy's temporary approval.^{2/} Thus, it appears that no carrier is authorized and operationally capable of providing the service which Certificate No. 42 evidences is required by the public convenience and necessity.

Title II, Article XII, Section 4(e) of the Compact provides that, when the public convenience and necessity so require, the Commission may require any person subject to the Compact to extend any existing service or provide any additional service over additional routes within the Metropolitan District.^{3/} We find that the public convenience and necessity requires that McMichael School Bus Service, Inc., be required to provide additional service to the traveling public in the manner specified in Certificate No. 42. Without such action, at least three busloads of passengers (approximately 120 persons) would be left without adequate public transportation.^{4/} McMichael operates a large fleet of school buses garaged in Prince George's County and is experienced in commuter operations. Moreover, McMichael has advised our staff that it has equipment available to provide service beginning February 28, 1979. McMichael believes that it can provide efficient and economical service at the same rate now charged by Courtesy, \$42 a month per rider payable on the first of each month. We find that alternative transportation sources available to Courtesy's riders, either from the Washington Metropolitan Area Transit Authority or from other certificated carriers, would be less efficient, less economical or both. Accordingly, this order is entered to assure that a needed service will be provided at a price which is fair, reasonable and affordable to the users thereof.

THEREFORE, IT IS ORDERED:

1. That pursuant to Title II, Article XII, Section 4(e) of the Compact, McMichael School Bus Service, Inc., is hereby directed to provide the service specified in Certificate of Public Convenience and Necessity No. 42 as appended hereto for the period February 28, 1979, through April 30, 1979, or until otherwise ordered by the Commission.

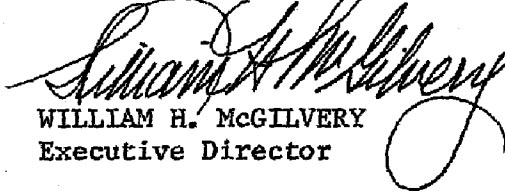
^{2/} See Order No. 1966, served February 27, 1979.

^{3/} Said subsection includes certain restrictions on the Commission's power to act, but we find them to be inapplicable in this case inasmuch as Courtesy is not a certificate holder, McMichael School Bus Service, Inc., is willing to undertake the service and Highview has voluntarily sought relief from its obligations as a regular-route common carrier.

^{4/} See Order No. 1682, served May 6, 1977.

2. That the rate to be charged for said service shall be \$42 a month per rider payable March 1, 1979, for the period February 28, through March 31, 1979, and payable April 1, 1979, for the period April 1 through April 30, 1979; provided, however, that the establishment of such rates is without prejudice to the right of the Commission, which is hereby expressly reserved, to require appropriate rebates or adjustments to fares collected by Courtesy Bus Rental System, Inc., for the month of February 1978.

BY DIRECTION OF THE COMMISSION:


WILLIAM H. MCGILVERY
Executive Director

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

NO. 42

HIGHVIEW BUS SERVICE, INC.

CAPITOL HEIGHTS, MARYLAND

By Order No. 1682 of the Washington Metropolitan Area Transit Commission issued May 6, 1977;

AFTER DUE INVESTIGATION, it appearing that the above-named carrier is entitled to receive authority from this Commission to engage in the transportation of passengers within the Washington Metropolitan Area Transit District as a carrier, for the reasons and subject to the limitations set forth in Order No. 1682;

THEREFORE, IT IS ORDERED that the said carrier be, and it is hereby, granted this certificate of public convenience and necessity as evidence of the authority of the holder thereof to engage in transportation as a carrier by motor vehicle; subject, however, to such terms, conditions and limitations as are now, or may hereafter, be attached to the exercise of the privilege granted to the said carrier.

IT IS FURTHER ORDERED that the transportation service to be performed by the said carrier shall be as specified below:

REGULAR ROUTES:

(1) Between Penn-Mar Shopping Center, District Heights, Md., and the Government Printing Office, North Capitol and H Streets, N. W., Washington, D. C., serving no intermediate points.

From Penn-Mar Shopping Center over Marlboro Pike to Benning Road, thence over Benning Road to East Capitol Street, thence over East Capitol Street to C Street, N. E., thence over C Street, N. E., to Massachusetts Avenue, N. E., thence over Massachusetts Avenue, N. E., to North Capitol Street, thence over North Capitol Street to H Street, N. W., thence over H Street, N. W., to the Government Printing Office, and return over the same route;

(2) Between Woolco Department Store, New Carrollton, Md., and the Government Printing Office, North Capitol and H Streets, N. W., Washington, D. C., serving no intermediate points.

From New Carrollton over Maryland Highway 450 to the Baltimore-Washington Parkway, thence over the Baltimore-Washington Parkway to New York Avenue, thence over New York Avenue to North Capitol Street, thence over North Capitol Street to the Government Printing Office, and return over the same route;

(3) Between Greenbelt Shopping Center, Greenbelt, Md., and the Government Printing Office, North Capitol and H Streets, N. W., Washington, D. C., serving no intermediate points.

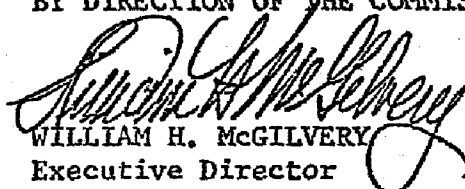
From Greenbelt over Breenbelt Road to the Baltimore-Washington Parkway, thence over the Baltimore-Washington Parkway to New York Avenue, thence over New York Avenue to North Capitol Street, thence over North Capitol Street to the Government Printing Office, and return over the same route; and

(4) Between Capitol Plaza, Bladensburg, Md., and the Government Printing Office, North Capitol and H Street, N. W., Washington, D. C., serving no intermediate points.

From Capitol Plaza over Maryland Highway 450 to the Baltimore-Washington Parkway, thence over the Baltimore-Washington Parkway to New York Avenue, thence over New York Avenue to North Capitol Street, thence over North Capitol Street to the Government Printing Office, and return over the same route.

IT IS FURTHER ORDERED and made a condition of this certificate that the holder thereof shall render reasonable, continuous and adequate service to the public in pursuance of the authority granted herein, and that failure to do so shall constitute sufficient grounds for suspension, change or revocation of the certificate.

BY DIRECTION OF THE COMMISSION:


WILLIAM H. MCGILVERY
Executive Director